

Message Text

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SUBJECT: NPC--NEW CONSTITUTION

REF: HONG KONG 0675

SUMMARY: THE NEW PRC CONSTITUTION IS MODERATE IN TONE AND AS-
SERTS THE PRIMACY OF THE PARTY OVER THE STATE. END SUMMARY.

1. THE NEW PRC CONSTITUTION, SHORTER AND FAR MORE VAGUE THAN
ITS PREDECESSOR OF 1954, SETS FORTH FOR THE FIRST TIME THE SUB-
ORDINATION OF THE STATE TO THE PARTY. IN COMPARISON WITH THE
1970 DRAFT, THE NEW CONSTITUTION IS NOTABLE FOR ITS MODERATE
TONE AND OMISSION OF CHAIRMAN MAO'S PERSONAL ROLE. LOYALTY TO
THE PARTY IS AFFIRMED AND THE ONLY REFERENCES TO MAO ARE THREE
MENTIONS OF THE IMPORTANCE OF MARXIST-LENINIST-MAO TSETUNG
THOUGHT. CHANG CHUN-CHIAO IN HIS REPORT ON THE CONSTITUTION
GOES FURTHER, QUOTING MAO AT LENGTH AND CITING THE NEW
FREEDOM TO STRIKE AS HAVING BEEN PERSONALLY PROPOSED BY MAO.

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2. THE NEW CONSTITUTION HAS DONE AWAY WITH THE ROLE OF CHAIRMAN OF THE REPUBLIC; THE NATIONAL PEOPLE'S CONGRESS REMAINS THE HIGHEST STATE ORGAN AND ITS STANDING COMMITTEE EXERCISES SUCH FUNCTIONS AS ENACTING DECREES, TREATIES, ETC. THE FORMER RESPONSIBILITY OF THE CHAIRMAN OF THE REPUBLIC AS COMMANDER-IN-CHIEF OF THE ARMED FORCES, WHICH NOW CONSTITUTIONALLY INCLUDES THE MILITIA, DELEGATED TO THE CHAIRMAN OF THE PARTY, ALTHOUGH IN A CONSPICUOUS OMISSION NO ONE IS DELEGATED THE POWER TO DECLARE WAR. THE CONSTITUTION SAYS NOTHING EXPLICIT ABOUT SUCCESSION.

3. A NUMBER OF ECONOMIC RIGHTS ARE STILL GUARANTEED BY THE CONSTITUTION, DESPITE THE AVOWED GOAL OF DEVELOPING THE SOCIALIST SYSTEM AND THE OBVIOUS MOVEMENT TOWARD SOCIALISM SINCE THE 1954 CONSTITUTION. IN ADDITION TO THE PEASANTS' RIGHTS TO FARM SMALL PLOTS FOR THEIR PERSONAL NEEDS, THE CONSTITUTION SANCTIONS HOUSEHOLD SIDELINE PRODUCTION (CRITICIZED IN THE PAST FOR ITS INTERFERENCE WITH SOCIALIST AGRICULTURE) AS WELL AS THE RIGHT TO OWN LIVESTOCK. THE PRODUCTION TEAM AT THE PRESENT STAGE IS REAFFIRMED AS THE BASIC ACCOUNTING UNIT AND NON-AGRICULTURAL LABORERS ARE PERMITTED TO ENGAGE IN INDIVIDUAL LABOR. AS CHANG CHUN-CHIAO RELATES IN HIS REPORT, THESE PROVISIONS PROVIDE AN ADHERENCE TO SOCIALISM WITH "NECESSARY FLEXIBILITY, CHANG HOWEVER ASSERTS THAT THEY ARE "SHARPLY DEMARCATED" FROM THE POLICIES OF LIU SHAO-CHI.

4. THERE IS NO MENTION IN THE NEW CONSTITUTION OF THE SUPREME PEOPLE'S PROCURATE, AND IT APPEARS THAT THE ENTIRE PROCURACY MAY HAVE BEEN ABOLISHED. THE CONSTITUTION STATES THAT THE "FUNCTIONS AND POWERS OF PROCURATORIAL ORGANS ARE TO BE EXERCISED BY THE ORGANS OF PUBLIC SECURITY AT VARIOUS LEVELS." THIS INCREASES THE AUTHORITY OF THE NEW MINISTER OF PUBLIC SECURITY, HUA KUO-FENG.

5. CLAUSES PLEASING TO THE LEFTISTS INCLUDE THE MASSES' RIGHTS OF "SPEAKING OUT FREELY, AIRING VIEWS FULLY, HOLDING GREAT DEBATES AND WRITING BIG-CHARACTER POSTERS" AND, PRESUMABLY, TO STRIKE. IN ADDITION, THE MASSES ARE TO BE MOBILIZED FOR DISCUSSION AND CRITICISM IN MAJOR COUNTER-REVOLUTIONARY CRIMINAL CASES, AND THE MASS LINE "MUST" BE APPLIED IN PROCURATORIAL WORK AND IN TRYING CASES. MENTION OF THREE-IN-ONE COMBINATIONS LIMITED OFFICIAL USE

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OF THE OLD, MIDDLE-AGED AND THE YOUNG IS INCLUDED, AS IS THE SANCTIONING OF REVOLUTIONARY COMMITTEES AS THE PERMANENT ORGANS OF LOCAL GOVERNMENT.

6. THE LANGUAGE IN THE 1954 PREAMBLE ON RESISTANCE TO AMERICAN AGGRESSION AND INDESTRUCTIBLE FRIENDSHIP WITH THE SOVIET UNION IS DROPPED, BUT CURRENT OPPOSITION TO BOTH IMPERIALIST AND SOCIAL-IMPERIALIST "POLICIES OF AGGRESSION AND WAR" ARE INCLUDED,

AS WELL AS OPPOSITION TO SUPERPOWER HEGEMONISM. THE PREAMBLE
FURTHER STATES THE PRC WANTS TO STRENGTHEN ITS UNITY WITH
SOCIALIST COUNTRIES AND STRIVES FOR PEACEFUL COEXISTENCE WITH
COUNTRIES HAVING DIFFERENT SOCIAL SYSTEMS.
CROSS

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